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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/256,540 02/24/99 BASER

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EXAMINER

NGUYEN, N

ART UNIT	PAPER NUMBER
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2764

DATE MAILED:

10/04/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/256,540

Applicant(s)

Baser et al.

Examiner
Nga B. Nguyen

Group Art Unit
2764



☒ Responsive to communication(s) filed on Feb 24, 1999

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire three month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claim

☒ Claim(s) 1-31 and 33-38 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-31 and 33-38 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☒ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 4

☐ Interview Summary, PTO-413

☒ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

Art Unit: 2764

DETAILED ACTION

1. This Office Action is the answer to the communication filed on February 24, 1999 , which paper has been placed of record in the file.
2. Claim 32 is canceled. Claims 1-31 and 33-38 are pending in this application.

Drawings

3. The drawings are objected to because of the Draftsperson's notice, see form PTO-948 for detail. Applicant is required to submit a proposed drawing correction in reply to this Office action. However, formal correction of the noted defect can be deferred until the application is allowed by the examiner.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

5. Claims 1-2, 6-8, 10-13, 15-16, 18-19, 23, and 26-30 are rejected under 35 U.S.C. 102(a) as being anticipated by Hogan, U.S. Patent No. 5,692,132.

Art Unit: 2764

Regarding to claim 1, Hogan discloses a method of performing a pre-paid electronic-commerce transaction for a user having a personal identification number (PIN), the method comprising the steps of:

receiving a request for goods or services for the user and creating a transaction instance (column 7, lines 12-28);

retrieving account information relating to the user's PIN, including the user's remaining balance (column 7, lines 29-65);

determining whether or not the transaction can take place as a function of the user's remaining balance (column 8, lines 20-67);

proceeding with the transaction and servicing the request if the user's account is sufficiently funded (column 9, lines 40-53);

calculating the purchase price of the requested goods or service (column 9, lines 47-53);
and

updating user's remaining balance (column 9, lines 54-56).

Regarding to claim 2, Hogan further discloses the transaction occurs over the Internet (column 5, lines 20-30).

Regarding to claim 6, Hogan further discloses the step of: denying further service requests when a predetermined spending threshold is reached (column 8, lines 48-53).

Regarding to claim 7, Hogan further discloses the input device forms part of a web page (column 7, lines 15-28).

Art Unit: 2764

Regarding to claim 8, Hogan further discloses the input device is a virtual device (column 7, lines 30-40).

Regarding to claim 10, Hogan further discloses the step of calculating the purchase price of the requested goods or services occurs in real time (column 9, lines 40-43).

Regarding to claim 11, Hogan further discloses the purchase price is a dollar or less (column 7, lines 26-27).

Regarding to claim 12, Hogan further discloses the steps associated with receiving the request from the user and servicing the request are performed at a first location; and one or more of the other steps are performed at one or more different locations (column 7, lines 12-65 and column 9, line 57-column 10, line 7).

Regarding to claim 13, Hogan further discloses one of the different locations is associated with requesting a payment, and wherein that location passes accounting and rating information to the first location (column 9, line 57-column 10, line 7).

Regarding to claim 15, Hogan further discloses the step of providing the user with a history of payments (column 9, line 57-column 10, line 10).

Regarding to claim 16, Hogan further discloses the step of allowing the user to move funds form a bank or credit card account to increase the remaining balance (column 10, lines 10-29).

Regarding claim 18, Hogan discloses an architecture facilitating e-commerce transactions, comprising:

Art Unit: 2764

an input device for receiving a request for goods or services from a user having a personal identification number (PIN) (column 7, lines 7, lines 12-45);

an account device for performing account-management functions, including account balance and PIN verification operations (column 7, lines 41-65);

a rating device for calculating the price of the requested goods or services (column 9, lines 40-43);

an service device for fulfilling the request (column 9, lines 40-50); and

an output device for maintaining one or more transaction data records (column 9, lines 50-52).

Regarding claim 19, Hogan further discloses the devices communicate over an Internet (column 5, lines 20-30).

Regarding claim 23, Hogan further discloses the input device is an Internet web page (column 7, lines 15-28).

Regarding claim 26, Hogan further discloses the input device and the service device are disposed at a first location, and one or more of the other devices are disposed at one or more different locations (column 7, lines 12-65 and column 9, line 57-column 10, line 7).

Regarding claim 27, Hogan further discloses the rating device is operative to provide the user with an estimated purchase price before a purchase is made (column 7, lines 17-20).

Regarding claim 28, Hogan further discloses the input device is operative to provide the user with a history of payments (column 9, line 57-column 10, line 10).

Art Unit: 2764

Regarding claim 29, Hogan further discloses a device supports multiple service data record (column 9, lines 57-column 10, line 9).

Regarding claim 30, Hogan further discloses the account device is operative to move funds form a bank or credit card account to increase the remaining balance (column 10, lines 10-29).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 3-4, 20-21, and 33-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hogan, U.S. Patent No. 5,692,132 in view of Moen et al, U.S. Patent No. 5,864,604.

Regarding to claims 3-4, Hogan fails to disclose the transaction occurs over an Intranet or Extranet. However, Moen discloses transaction occurs over an Intranet or Extranet (see abstract). Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to combine that feature with Hogan's for the purpose of allowing the user can perform purchased transaction over Intranet or Extranet.

Regarding claims 20-21, Hogan fails to disclose the devices communicate over an Intranet or an Extranet. However, Moen discloses the devices communicate over an Intranet or an Extranet (see abstract). Therefore, it would have been obvious to one with ordinary skill in the art

Art Unit: 2764

at the time the invention was made to combine that feature with Hogan's for the purpose of allowing the user can perform purchased transaction over Intranet or Extranet.

Regarding claim 33, Hogan fails to disclose the step of calculating the cost of the requested goods or services is based upon the amount of time spent in using the goods or services. However, Moen discloses step of calculating the cost of the requested goods or services is based upon the amount of time spent in using the goods or services (column 6, lines 58-60). Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to combine that feature with Hogan's for the purpose of allowing the user pay for the goods or services based on the amount of time spent in using the goods or services.

Regarding claims 34-35, Moen further discloses the goods or service involve downloading reading material, a form of entertainment (column 8, lines 3-10 and column 10, lines 1-7). Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to combine that feature with Hogan's for the purpose of allowing the user to purchase the goods or services such as downloading reading material or a form of entertainment over the Internet.

Regarding claim 36, Hogan discloses a method of performing a pre-paid electronic-commerce transaction for a user having an account, comprising the steps of:

receiving a request from a user over a computer network, thereby creating a transaction instance (column 7, lines 12-28);

calculating the cost of the transaction (column 9, lines 47-53); and

Art Unit: 2764

debiting the user's account in accordance with the cost upon termination of the transaction (column 9, lines 40-50).

Hogan fails to disclose calculating the cost of the transaction as a function of transaction time. However, Moen discloses calculating the cost of the transaction as a function of transaction time (column 6, lines 58-60). Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to combine that feature with Hogan's for the purpose of allowing the user pay for the goods or services based on the amount of time spent in using the goods or services.

Regarding claim 37, Hogan further discloses the steps of:

retrieving account information at least including the user's remaining balance (column 7, lines 29-65);

determining whether or not the transaction can take place as a function of the user's remaining balance (column 8, lines 20-67);

proceeding with the transaction if the user's account is sufficiently funded (column 9, lines 40-53); and

updating the user's remaining balance upon termination of the transaction (column 9, lines 54-56).

Regarding claim 38, Hogan further discloses the computer network is the Internet, an Intranet, or Extranet (column 5, lines 20-30).

Art Unit: 2764

8. Claims 5, 17, 22, 25, and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hogan, U.S. Patent No. 5,692,13 in view of Davis et al, U.S. Patent No. 6,105,008.

Regarding to claim 5, Hogan fails to disclose the request receive through a point-of-sale (POS) terminal. However, Davis discloses the request receive through a point-of-sale (POS) terminal. Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to combine that feature with Hogan's for the purpose of allowing the user can perform purchased transaction at a point-of-sale terminal.

Regarding to claim 17, Hogan fails to disclose the input device forms part of a personal digital assistant. However, Davis discloses the input device forms part of a personal digital assistant (column 8, lines 17-21). Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to include a personal digital assistant with Hogan's for the purpose of allowing the user to use a personal digital assistant to perform the purchased transaction.

Claims 22 and 31 contain similar limitations as claims 5 and 17, respectively, therefore, are rejected by the same rationale.

Regarding claim 25, Hogan fails to disclose at least the rating device and the service device support micropayments. However, Davis discloses at least the rating device and the service device support micropayments (column 2, lines 15-35). Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to include that feature above for the purpose of providing the rating device or the service device support micropayments.

Art Unit: 2764

9. Claims 9, 14, and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hogan, U.S. Patent No. 5,692,132 in view of William et al, U.S. Patent No. 5,815, 657.

Regarding to claim 9, Hogan further discloses the input device is a virtual device which allows the user to: enter the user's PIN and password (column 7, lines 30-4), but Hogan fails to disclose a virtual device which allows the user to: select a pre-paid method of payment.

However, Williams discloses the input device is a virtual device which allows the user to: select a pre-paid method of payment (see figures 9-10). Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to include that feature above with Hogan's for the purpose of allowing the user can make a choice of payment method such as using credit card such as visa or master card, or debit card to pay for the products purchased.

Regarding to claim 14, Hogan fails to disclose the step of providing the user with an estimated purchase price before a purchase is made. However, William discloses the step of providing the user with an estimated purchase price before a purchase is made (see figure 11). Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to include that feature above with Hogan's for the purpose of providing the user an estimated price of purchased products before the user decides to accept or cancel the transaction.

Claims 24 contain similar limitations as claims 9, therefore, are rejected by the same rationale.

Art Unit: 2764

Conclusion

10. Claims **1-31** and **33-38** are rejected.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner Nga B. Nguyen, whose telephone number is (703)306-2901. The examiner can normally be reached on Monday-Thursday from 7:30 AM-5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James P. Trammell, can be reached on (703)305-9768.

12. **Any response to this action should be mail to:**

Commissioner of Patents and Trademarks

c/o Technology Center 2700

Washington, D.C. 20231

or faxed to:

(703) 308-9051, (for formal communications intended for entry)

or:

(703) 308-5397 (for informal or draft communications, please label

"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II,

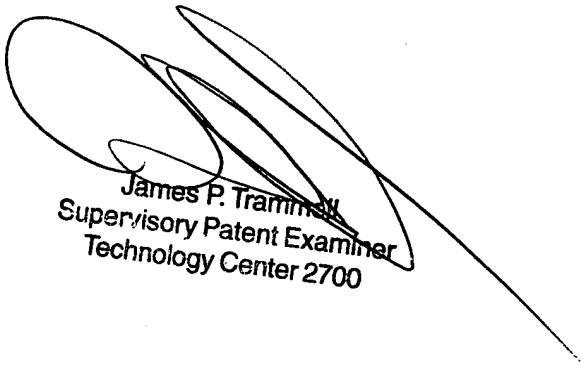
2121 Crystal Drive, Arlington.

VA., Sixth Floor (Receptionist).

Art Unit: 2764

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703)305-3900.

Nga B. Nguyen
September 25, 2000



James P. Trammell
Supervisory Patent Examiner
Technology Center 2700